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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,875	03/19/2001	Bruce Albert Yeazell	6805C	1033

27752 7590 08/24/2007

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.
WINTON HILL BUSINESS CENTER - BOX 412
6250 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 08/24/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09811875	3/19/01	YEAZELL, BRUCE ALBERT	6805C

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CINCINNATI, OH 45224

EXAMINER

Jiping Lu

ART UNIT	PAPER
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3749

20070813

DATE MAILED:

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Commissioner for Patents

This is the Notification of Non-Compliant Appeal Brief based on an order returning the undocketed appeal to the examiner from Board of Patent Appeals and Interferences dated 8/3/07.

The Appeal Brief filed on April 29, 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192 {c} since the following required headings including {5}, {6} and {8} are defective (see MPEP 1206, Eighth Ed., Rev. 1, Feb. 2003). The Code of Regulations 1.192 states:

(a) Appellant must, within two months from the date of the notice of appeal under § 1.191 or within the time allowed for reply to the action from which the appeal was taken

(c) The brief shall contain the following items under appropriate headings and in the order indicated below

(5) Summary of Invention. A concise explanation of the invention defined in the claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawings, if any, by reference characters.

(6) Issues. A concise statement of the issues presented for review.

(8) Argument. The contentions of appellant with respect to each of the issues present for review in paragraph {c} {6} of this section, and the basis therefor, with citations of the authorities, statutes, and parts of the record relied on. Each rejection on appeal should be argued separately. For Example, the Final Rejection mailed August 26, 2003, identified five (5) Separate 35 USC 103 rejections; therefore, Appellant should separately argue each rejection. It should be noted that the rejection to Claims 22 and 25 were not addressed in the Appeal Brief.

Section 37 CFR § 1.192(d) states:

(d) If a brief is filed which does not comply with all the requirements of paragraph (c) of this section, appellant will be notified of the reasons for non-compliance and provided with a period of one month within which to file an amended brief. If appellant does not file an amended brief during the one month period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the appeal will stand dismissed.

A Supplemental Appeal Brief which corrects §1.192(c)(5)-(6) & (8) is required.


To avoid dismissal of the appeal, Appellant must file an amended brief comply with the provisions of 37 CFR 1.192 {c} or other appropriate correction within ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication. Extensions of time may be granted under 37 CFR 1.136.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEVEN B. MCALLISTER can be reached on 571 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval

(PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jiping Lu
Primary Examiner
Art Unit: 3749